

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ADRIAN JOHNSON,

Plaintiff,

vs.

BARRY JENSEN, *et al.*,

Defendants.

2:18-cv-01889-RFB-VCF

**ORDER AND REPORT AND
RECOMMENDATION FOR DISMISSAL
WITH PREJUDICE**

On October 16, 2018, the Court granted Plaintiff Adrian Johnson's application to proceed *in forma pauperis* and dismissed his complaint without prejudice. (ECF No. 3). The Court found that the complaint was an impermissible attempt to vacate a state court conviction through a 42 U.S.C. § 1983 action. (*Id.* at 3). The Court gave Plaintiff until November 16, 2018 to file an amended complaint and warned that "[f]ailure to timely file an amended complaint that addresses the deficiencies noted in this Order may result in a recommendation for dismissal with prejudice." (*Id.* at 4).

Plaintiff has not filed an amended complaint or an objection to the Court's order. For the reasons discussed in the Court's October 16, 2018 Order (ECF No. 3), Plaintiff's complaint should be dismissed with prejudice.

ACCORDINGLY, and for good cause,

IT IS ORDERED that the Clerk of Court shall file the Complaint (ECF No. 1-1).

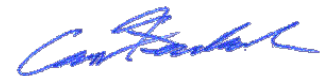
1 IT IS RECOMMENDED that this action be DISMISSED WITH PREJUDICE and Judgment
2 entered, accordingly.

3 **NOTICE**

4 Pursuant to Local Rules IB 3-1, a party may object to orders issued by the Magistrate Judge.
5 Objections must be in writing and filed with the Clerk of the Court within fourteen days. (*See* LR IB 3-
6 1). The Supreme Court has held that the courts of appeal may determine that an appeal has been waived
7 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).
8 This circuit has also held that (1) failure to file objections within the specified time and (2) failure to
9 properly address and brief the objectionable issues waives the right to appeal the District Court's order
10 and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157
11 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

12 Under LSR 2-2, the Plaintiff must immediately file written notification with the Court of any
13 change of address. The notification must include proof of service upon each opposing party of the party's
14 attorney. **Failure to comply with this Rule may result in dismissal of the action.** (*See* LSR 2-2).
15

16
17 DATED this 26th day of November, 2018.

18 

19 CAM FERENBACH
20 UNITED STATES MAGISTRATE JUDGE
21
22
23
24
25